

**APPROVED: 7/20/15**

**MINUTES OF THE  
CONSOLIDATED ZONING BOARD OF APPEALS  
OF THE  
TOWN OF HIGHLANDS AND VILLAGE OF HIGHLAND FALLS  
MARCH 16, 2015**

A Regular meeting of the Zoning Board of Appeals was held in the Town Hall, Highland Falls, New York, on Monday, March 16, 2015, at 7:00 P. M.

**THERE WERE PRESENT:**

**Board Members:**

Tim Doherty, Chairman  
Jack Jannarone, Deputy Chairman  
Ray Devereaux  
Tony Galu

**Absent:**

Tim Donnery

**ALSO PRESENT:** John Hager, Building Inspector and Dean Walko.

MR. DOHERTY: I will open the meeting of the Consolidated Zoning Board of Appeals of the Town of Highlands. Present at tonight's meeting are: Jack Jannarone, Ray Devereaux and Tim Doherty. Absent is: Tim Donnery

MR. DOHERTY: First on the agenda is the approval of two sets of minutes. One is from February 16, 2016, and the other one is from September 15, 2014. Are there any comments on the February 16, 2015 Minutes?

**A motion was made to adopt the February 16, 2014 Minutes.**

**Motion: Mr. Devereaux Seconded: Mr. Jannarone Approved**

Are there any comments on the September 15, 2014 Minutes?

MR. DOHERTY: I looked them over again this afternoon and did not see anything of note.

**A motion was made to adopt the September 15, 2014 Minutes.**

**Motion: Mr. Jannarone Seconded: Mr. Devereaux Approved**

MR. DOHERTY: Next on the agenda is Dean Walko. Mr. Walko, please come on up and have a seat. You have some pictures for us.

MR. WALKO: Yes, drawings so you have a better idea. Basically, the project is adding a garage on to the front of the house. But, being on the river side of the view, it has to be attached. My house has no side yard now, and that is why I am here to apply for the variances in order to accommodate the garage. I am not digging into the dirt except for what you see in the pictures what's there now. I am getting rid of that temporary and putting in a permanent garage and breezeway attached to the main house.

MR. DOHERTY: So this third page is what you are speaking of, this shed type structure and the pop up.

MR. WALKO: Yes. That is going to go away, the fence is coming down. There is a retaining wall that has been there for 20 plus years. I am filling that space that is currently already occupied.

MR. DOHERTY: And the fence, on page 4?

MR. WALKO: Right behind the fence and here is that shed and canopy. That is going to go away and being replaced with a garage and breezeway.

MR. DOHERTY: My question is: Is that fence staying in place?

MR. WALKO: That is going away. That was there to cover up my stuff. I am a contractor and I have a lot of stuff and I would like to hide it and keep it neat. Instead of temporary I now want to make it become permanent. I had a recent survey done. They just finished up these last few weeks. They had a hard time because of the snow. I also had them do a topo map. I went to an informal meeting a year and a half ago. I just finished paying for my son's college so now time to get this done. They told me I might possibly need a topo, so I had it done.

MR. DOHERTY: For the Planning Board?

MR. WALKO: Correct. Just in case. The variance I am applying for I thought I would be a little closer to the front line, currently I am 13.8. At the garage, the furthest corner now is going to be 10 and change to the side line. The front is pre-existing. I am just going to follow the same line, which is why I need that variance in the front. If you look at my neighbor, his garage is probably 15 feet from the street, but it has obviously been there a while.

MR. DOHERTY: You are actually going to attach this to the home, right?

MR. WALKO: Correct. That is why I gave you that rough drawing on my pictures. That is my architect's preliminary idea of what we are going to be doing.

MS. TERHUNE: So these distances are slightly different than what the drawing has.

MR. WALKO: That is what I am saying. This is an old, old drawing so when I sat down with John, and to get things rolling, that is why I said I had an updated print.

MR. HAGER: Pretty much a worse-case scenario.

MR. WALKO: Right. John and I discussed having a little more for the variance rather than less once this is all put together. We can fine tune the actual note. It is not going to protrude any closer. This is true and accurate as of March 12. This is all current condition. This corner is the corner of the fence because that is what I told him, basically because that is the spot that I was going to be occupying, so I wanted to be close. It will be perpendicular to the house, because in order to keep this same line here, it is going to push it way too far into the driveway, and, it is not at that point, worth it.

MR. JANNARONE: I went to Google Map and Map Quest and neither one could pin it down where on Bridge Terrace this is.

MR. WALKO: If you put it in your GPS, we don't exist. You have to put in Highland Falls Zip Code to find us.

MR. JANNARONE: You have to put in Highland Falls not Fort Montgomery.

MR. WALKO: Absolutely.

MR. WALKO: If you put in Highland Falls Zip Code, it goes right to my house. If you know Kaplan Way, if you came to the end, we are diagonally across from Kaplan Way, directly across from the Grants and right next door to Jim Murray.

MR. DOHERTY: Is it Kaplan and then Wayne?

MR. WALKO: Yes, if you came in by the Bagel Café, and around that corner, take the first left and at the end of the street is my house.

MR. DOHERTY: So you are between Kaplan and Wayne?

MR. WALKO: Yes, around that end.

MS. TERHUNE: It shows on the EAF map if you go into DEC Website and put in the address.

MR. JANNARONE: I haven't been down there in several years. I will probably drive down there.

MR. WALKO: Whenever I give directions to my house, they say I don't exist.

MR. DOHERTY: So that is your intention, to stay, for lack of a better word, within the footprint of that collapsible storage unit, the shed, and the fence that you have there already?

MR. WALKO: Yes. I bought this house in 1988. My in-laws used to own it. Some of you may know Bill Newton. He owned it and I have owned it almost 20 years. I would like to now make it look nicer. It will be connected to the house. There is a possibility of a different pitch of the roof as you can see in the pictures. I have to work that out with my architect.

MR. DEVEREAUX: I see on here Option 1. You must have Option 2?

MR. WALKO: He gave me three.

MR. JANNARONE: Do we have to change the variances on the application?

MS. TERHUNE: We can make minor modifications at the next meeting.

MR. DOHERTY: We should do that. Should we put them on the application now or should we have John do that?

MS. TERHUNE: We could do that. John, do you want to modify it? It is pretty straightforward.

MR. HAGER: This is the first time this map has been available to me; either way. We went with the old map we had, and had to scale the distances and wanted to be conservative on the application.

MR. WALKO: We had 30 in the front and 32.

MS. TERHUNE: We could stay with the application which would give him some leeway in case. It would not be so exact. It would give him a bit more of a variance.

MR. HAGER: You can always go less. You can't go more than the variance allows. It comes down to how comfortable the Board would be with that.

MR. JANNARONE: I just want to be sure that these are on the plus side and not the minus side.

MR. HAGER: I am pretty sure they are.

MR. WALKO: Now since I have this one. Now I know that I will be within that. I think John and I used 11.6 as a number and it came out to 13.8. We gave a little bit extra there.

MS. TERHUNE: He is further away from the property line.

MR. DOHERTY: You have 11.5.

MR. WALKO: We were using one of the old maps. I have three of them.

MS. ALYSE: He was using 30 here instead of 32.8. If the Board is comfortable, that is going to give him a couple of feet leeway in case he gets there and he starts construction and for one reason or another, he needs to move it a little.

MR. JANNARONE: I just want to make sure we are on the plus side and not the minus side. Can you confirm that?

MR. WALKO: We took more into consideration here with the least out on the old drawing. I actually have more on this drawing which is accurate.

MR. JANNARONE: As long as you are absolutely sure.

MR. WALKO: Yes, I will be within those markings. I know the exact angle that it is now. I was out there with string with the architect. I will be well within that eight foot.

MR. HAGER: You have roughly two feet to play with.

MR. DOHERTY: So we are good working with this existing application?

MS. TERHUNE: If the Board is in comfortable, we can do that.

MR. DOHERTY: I believe we are all in agreement. John, I believe it goes back to you for postings, mailings, and affidavits. The Town is 500 feet?

MR. HAGER: Yes.

MS. TERHUNE: The Board will need to set the Public Hearing date.

MR. DOHERTY: Which would be April 20, 2015.

MR. JANNARONE: Orange County and anyone else we need to notify?

MR. DOHERTY: The railroad tracks?

MR. WALKO: My property is 400 feet down and I believe about 40, 50 or 60 feet off the tracks.

MR. HAGER: Work is probably more than 500 from the river.

MR. JANNARONE: He has to notify Conrail. They will be on the mailing.

MS. TERHUNE: It's the property line. Orange County, no. It is not within 500 feet of a state or local highway. The parklands, no, unless the river would be considered parklands. It is a waterway.

MR. DOHERTY: I can say from the DEC's point of view, it is considered a waterway.

MS. TERHUNE: You are not disturbing anything within 50 – 100 feet of the water. That is what would trigger notification of the DEC.

MR. HAGER: On the application it says "is this property within 500 feet of any other municipality, state or county parks, state or county road, or stream depending on the land."

MR. WALKO: That is not a stream.

MR. JANNARONE: You would have to consider it a stream for that, I would think.

MS. TERHUNE: No, actually you wouldn't.

MR. DOHERTY: There is a definite definition for those.

MS. TERHUNE: The only time you would notify the DEC would be if he were going to be doing any construction or digging.

MR. DOHERTY: If he is going to upset the earth.

MS. TERHUNE: It is 50 feet back from the river.

MR. DOHERTY: I can attest to that.

MR. HAGER: You might want to scratch that from the application. I think we filled that in as a "yes," on that 500 foot thinking the river was a stream. I don't think a GML is necessary.

MS. TERHUNE: No, it is not.

MR. DOHERTY: The railroad?

MS. TERHUNE: If it is an abutting property, they have to be notified. Is there a motion to set the Public Hearing?

**A motion was made to set a Public Hearing for the next meeting, April 20, 2015, for this project.**

**Motion: Mr. Jannarone Seconded: Mr. Devereaux Approved**

MS. TERHUNE: I will draft the Notice and get that to you tomorrow.

MR. DOHERTY: You will get with John and he will give you all the addresses, the form for the Post Office and sign information.

MR. JANNARONE: And the printing in the papers.

MR. DOHERTY: Alyse does the Notice of Hearing. David used to get it to the paper, just the News of the Highlands.

MS. TERHUNE: In my other communities, typically it is the Secretary, Clerk, or Town Clerk who sees that it is published in the paper. It depends on how the Village or the Town does it.

MR. DOHERTY: Will you put that together and I will get it published?

MS. TERHUNE: Sure, I will draft it and get it to John and you tomorrow and then you can publish it.

MR. DOHERTY: I can scan it and send it up to the News in Cornwall.

MS. TERHUNE: You will get an Affidavit of Publishing from them. That needs to be put in the records.

MR. DOHERTY: Mr. Walko, you are all set. We will see you April 20, 2014.

MR. WALKO: Thank you.

MR. DOHERTY: The only other item I have is that there is a distinct possibility that I will not be here on April 20, 2015. It has not been set in stone yet. I will let everyone know. Hopefully, Tim Donnery will be back for a quorum. I have spoke to Jack about it.

MR. JANNARONE: There was an article in the Times Herald Record about publishing before a meeting, including applications, etc. within the Open Meeting Laws. Do we need to do that?

MR. DOHERTY: I think that would fall under the purview of the Town, right?

MS. TERHUNE: That is a town policy decision. Some towns do and some don't. If there is a controversial project, a lot of times it will get posted on the website.

MR. JANNARONE: Nobody has every said anything to us. Apparently some communities have applications scanned and out on their website.

MR. DOHERTY: I put things on the doors and at the library.

MR. DEVEREAUX: I thought it was more the agenda, rather than the specifics.

MS. DeWITT: We do put the Minutes of the Zoning Board of Appeals meetings on the website. I send them to Kelly.

MR. JANNARONE: I just wanted to bring this up to see if we are in compliance.

**At 7:23 P. M., a motion was made to adjourn the meeting.**

Respectfully submitted,

Fran DeWitt  
Recording Secretary

**The next Consolidated Zoning Board of Appeals meeting is  
Monday, April 20, 2015**